

**BEFORE THE STATE BOARD OF SOCIAL WORK EXAMINERS**

**STATE OF IDAHO**

In the Matter of the License of:

CHERYL MILLER,  
License No. LSW-26019,

Respondent.

Case No. SWO-2007-22

**FINAL ORDER**

THIS MATTER came before Jean R. Uranga, the designated Hearing Officer. The State appeared by its attorney of record, Emily A. MacMaster, Idaho Deputy Attorney General. Respondent, Cheryl Miller aka Cheryl Harriott, failed to answer or appear in this proceeding. On December 3, 2008, the Hearing Officer entered a Default Order and Findings of Fact, Conclusions of Law, and Recommended Order.

This matter then came before the Idaho State Board of Social Work Examiners on January 21, 2009 at a regularly scheduled Board meeting, and good cause appearing therefor, the Board unanimously adopted the following Order.

IT IS HEREBY ORDERED as follows:

1. The Board adopts the Hearing Officer's Findings of Fact and Conclusions of Law, and incorporates the same herein by this reference.

2. That Respondent's actions constitute a violation of Idaho Code Section 54-3211(2) (addiction to habit-forming drugs) and/or Idaho Code Section 54-3211(6) (unprofessional conduct); Board Rules 450.01.g, (social workers shall not violate a position of trust by knowingly committing any act detrimental to a client), and Rule 450.02.c (social workers shall not practice while impaired by medication, alcohol, drugs or other chemicals). These violations constitute

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grounds for disciplinary action pursuant to Idaho Code Section 54-3211.

3. As reviewed in the Findings of Fact, Respondent's conduct was significant, unprofessional, endangered the lives of clients. This type of conduct by a licensed social worker cannot be tolerated or condoned. The Board therefore imposes the following disciplinary sanctions upon Respondent:

a. That Respondent's license and right of reinstatement or renewal shall be revoked.

b. That prior to reinstatement of her license, Respondent shall participate in a drug and alcohol evaluation at her own expense, and provide said evaluation to the Board.

c. That Respondent shall pay the costs and attorney fees incurred by the State. The State shall submit an Affidavit of Costs and Attorney Fees incurred in this matter within fifteen (15) days from the date of this Order. Respondent shall submit any objection to the costs and fees submitted by the State and request a hearing within fifteen (15) days from the receipt of the State's Affidavit. Thereafter, the Board shall determine the amount of costs and fees awarded against Respondent, and in the event Respondent fails to object to the costs and fees claimed by the State, Respondent shall pay the costs and fees set forth in its Affidavit.

d. That after Respondent has completed requirements (a-c), but prior to reinstatement of her license, Respondent shall meet with the Board for a determination of Respondent's fitness for licensure, and any additional stipulations or conditions required prior to licensure.

4. This is the Final Order of the Board.

a. Any party may file a Petition for Reconsideration of this Final Order

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within fourteen (14) days of the service date of this Final Order. The Board will dispose of the Petition for Reconsideration within twenty-one (21) days of its receipt, or the Petition will be considered denied by the operation of law. (See, Idaho Code Section 67-5247(4)).

b. Pursuant to Idaho Code Sections 67-5270 and 57-5272, any party aggrieved by this Final Order, or orders previously issued in this case, may appeal this Final Order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which: (i) a hearing was held; (ii) the final agency action was taken; or (iii) the party seeking review of this Final Order resides.

c. An appeal must be taken within twenty-eight (28) days: (i) of the service date of this Final Order; (ii) of any order denying petition for reconsideration; or (iii) of the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. (See, Idaho Code Section 67-5273.) The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

5. The Bureau Chief of the Bureau of Occupational Licenses shall cause a true and correct copy of this Final Order to be served upon the Respondent and the State's attorney by mailing a copy to them at their addresses as provided.

DATED this 13 day of February, 2009.

STATE BOARD OF SOCIAL WORK  
EXAMINERS

By Christiane Magera  
Christiane Magera, Chair

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**CERTIFICATE OF SERVICE**

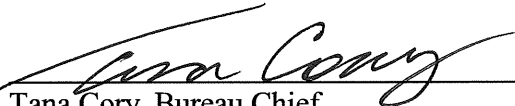
I HEREBY CERTIFY that on the 17<sup>th</sup> day of February, 2009, I caused to be served, by the method(s) indicated, a true and correct copy of the foregoing upon:

Emily Mac Master  
Deputy Attorney General  
Office of the Attorney General  
P.O. Box 83720  
Boise, ID 83720-0010

☐ U.S. Mail  
☐ Hand Delivered  
☒ Federal Express  
☒ Statehouse Mail

Cheryl Miller  
aka Cheryl Harriott  
10470 Highway 12  
Orofino, ID 83544

☒ U.S. Mail  
☐ Hand Delivered  
☐ Federal Express  
☒ Certified Mail

  
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Tana Cory, Bureau Chief

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